

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No: 5150-46100

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instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, wherein the second device is not configured with the instrument driver, wherein the traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet. With regard to this limitation, the Office Action cites paragraphs [0082], [0090], [0091], [0093], and [0094] of Nagaoka. Applicant respectfully submits that neither these paragraphs nor any others of Nagaoka teach the limitation of claim 82 recited above. To summarize, these paragraphs [0082] and [0083] disclose a home network management system which “enables a user to perform remote control of home-located electronic devices”. Applicant respectfully submits one skilled in the art understands that none of these paragraphs teach the limitation recited above. More specifically, these paragraphs do not relate to a system where a first device sends a request to a second device to access a traditional instrument, wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, and wherein the second device is not configured with the instrument driver. Nagaoka fails to teach, suggest, *or even hint at* a first device coupled to a network sending a request to a second device coupled to the network to access a traditional instrument **wherein the second device is not configured with the instrument driver**.

With further regard to claim 82, Nagaoka fails to disclose **the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument, wherein the instrument driver is downloaded directly from the network, and wherein the instrument driver is usable by the second device to communicate with the traditional instrument**. As argued above, Nagaoka fails to teach receiving the request to access the traditional instrument as recited in the claims and therefore cannot teach this feature of claim 1. However, Applicant notes that the Office Action cites paragraphs [0041] and [0045] with regard to this feature. The pertinent portion recites:

the control unit receives from the management facility via the first communication unit, an identifying signal and a request signal showing that the driver software is downloaded from the management facility by the server, and transmits to the server corresponding to the identifying signal via a second communication unit, the driver software corresponding to the request signal.

Applicant respectfully submits that the cited paragraph is ambiguous as to the particular type of request received from the management facility as well as the specific means/process by which the driver is downloaded. However, Nagaoka later discloses (paragraph [0254]), “For

example, when a user buys new home-located electronic device(s) provided in home network 6 installed in a user's house, the user is required to install new driver software corresponding to the new home-located electronic device(s) in home server 61 in home network 6" (Emphasis added). Nagaoka further teaches, "the user accesses home network management server 5 by utilizing terminal 1, and downloads the driver software corresponding to home-located electronic device(s) to home server 61". Thus, Applicant respectfully submits that Nagaoka teaches that the user must install new software for new home electronic devices. More specifically, the drivers are downloaded based on a request from the user to download a driver corresponding to the new device; one skilled in the art understands that **the user manually installing a device driver is not the second device receiving the instrument driver in response to said receiving the request to access the traditional instrument** as required by claim 82. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this feature of claim 82.

In response to these arguments, the Final Office Action clarifies the rejection and asserts that Nagaoka's terminal device teaches the first device, the home server teaches the second device, and the various home electronic devices teach the traditional instrument of claim 85. Applicant has carefully examined the paragraphs cited by the Office Action and agrees that the terminal device (e.g., a cell phone) is used by the user to remotely control home electronic devices via the home server. However, none of the cited portions (or any other portions of Nagaoka) teach that the terminal device sends a request to access a home electronic device that is not configured with a driver via the home server. Further, none of the cited portions teach the home server receiving the driver from the network to communicate with the home electronic device **in response to the request to access the home electronic device that is not configured with a driver**. Instead, as argued above, Nagaoka teaches that the drivers are downloaded to the home server in response to the user requesting that the driver for the electronic device be installed. Applicant respectfully submits that one skilled in the art would not mistake **downloading a driver in response to a second device requesting access to a first device which doesn't have the driver installed with a user manually requesting installation of a driver**. Furthermore, the portions cited by the Examiner all relate to communications where the driver has already been installed for the home electronic devices. Correspondingly, Applicant submits that at least these claim limitations are not taught by Nagaoka.

Regarding claim 93, in addition to the arguments above, Nagaoka fails to disclose a device which **detects a first traditional instrument coupled to the instrumentation bus**,

wherein a first instrument driver is required by the device to communicate with the traditional instrument, wherein the device is not configured with the first instrument driver. As argued above, Nagaoka requires that the user to install and configure new devices for the home management system. Applicant notes that the Office Action does not address the specific limitation recited above. Instead, the Office Action cites paragraphs [0041], [0093], and [0094] without any explanation. Applicant notes that these paragraphs provide high level descriptions of the overall use of Nagaoka (as well as methods of communications) and do not teach, suggest, *or even hint at* detecting a first traditional instrument as recited by this limitation. Thus, for at least the reasons above, Applicant submits that Nagaoka fails to teach this limitation of claim 93.

Regarding claim 101, in addition to arguments above, Nagaoka fails to disclose **automatically receiving, from the network, the instrument driver which is associated with the traditional instrument, wherein the instrument driver comprises program instructions which are executable by the first device to communicate with the traditional instrument.** With regard to this feature, the Office Action cites paragraph [0132] which simply states that the home server “executes driver software memorized in a hard disk” to control home-located electronic devices. Similar to remarks above, this paragraph has nothing to do *whatsoever* with automatically receiving, from the network, the instrument driver which is associated with the traditional instrument. One skilled in the art would not mistake communication and control of devices with already installed drivers with automatically receiving drivers to communicate with the devices. Thus, for at least the reasons above, Nagaoka fails to teach this feature of claim 101.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-46100/JCH. Also filed herewith is the following item:

☒ Notice of Appeal

Respectfully submitted,

/Jeffrey C. Hood/

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